

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN SHERWOOD,

Defendant.

CASE NO. CR20-0155-JCC

ORDER

This matter comes before the Court on the Government's unopposed motion for leave to dismiss the indictment against Defendant Benjamin Sherwood. (Dkt. No. 46.) Also pending is Mr. Sherwood's motion to suppress certain evidence seized during a search of his residence (Dkt. No. 41.) Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the Government's motion and DENIES Mr. Sherwood's motion as moot.

Federal Rule of Criminal Procedure 48(a) requires the Government to obtain "leave of the court" to dismiss an indictment. This requirement gives a district court narrow discretion to deny dismissal "if the motion is prompted by considerations clearly contrary to the public interest." *Rinaldi v. United States*, 434 U.S. 22, 29 n.15 (1977). Because "the decision to dismiss an indictment implicates concerns that the Executive is uniquely suited to evaluate, a district court is limited in its ability to second-guess the government's decisions on whether and what to prosecute." *United States v. Garcia-Valenzuela*, 232 F.3d 1003, 1007 (9th Cir. 2000) (cleaned

1 up). Here, nothing suggests that dismissal would contravene the public interest in any way.

2 The Court therefore GRANTS the Government's unopposed motion (Dkt. No. 46) and
3 DISMISSES the indictment (Dkt. No. 13) without prejudice. Mr. Sherwood's motion to suppress
4 (Dkt. No. 41) is DENIED as moot.

5 DATED this 21st day of January 2022.

6
7
8 

9 John C. Coughenour
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26